

PATENT
ATTORNEY DOCKET NO.: 059490-5033

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Frederick William CAIN, et al.)	Confirmation No.: 5097
)	
U.S. Application No.: 10/583,151)	Group Art Unit: Unassigned
)	
International Appln. Filing Date: December 17, 2004)	Examiner: Unassigned
)	
Date of National Stage Entry: June 16, 2006)	
)	
For: USE OF COMPOSITIONS COMPRISING)	
- OLEANIC ACID AND URSOLIC ACID FOR)	
THE PREPARATION OF A MEDICAMENT)	
FOR THE TREATMENT OF HYPER-)	
SENSITIVITY AND HYPERACTIVITY)	

Commissioner of Patents

MAIL STOP PCT

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. § 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed March 20, 2007.

A copy of the Notification of Missing Requirements (Form PTC/DO/EO/905) is enclosed.

2. Declaration Or Oath

- No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.
- The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
- The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

3. English Translation of Non-English Language Papers

Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

Also enclosed is the Verification of Translation Document

4. Small Entity Statement(s)

Applicant(s) hereby assert small entity status.

5. Fee Calculation

			Basic Fee:	
			PCT Application-\$	
	Number Filed	Number Extra	at a Rate of	
Total Claims	- 20 =			
Independent Claims	- 3 =		=	
Multiple dependent claim(s), if any			\$360.00	\$360.00
Missing Requirements Surcharge Fee			\$130.00	\$130.00
			SUB-TOTAL =	\$490.00
04/10/2007 LLANDGRA-00000019_500310-10583151				
01 FC:1616 02 FC:1617	360.00 DA Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(k) and § 1.52(d))		\$130.00	
Fee For Processing and retention of application (37 C.F.R. § 1.21(l) and § 1.53(d))			\$130.00	
			TOTAL FILING FEE =	\$490.00

6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. §§ 1.17(a)-(d), for the total number of months checked below:

Total months requested	Fee for extension	[fee for Small Entity]
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$210.00
<input type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$1,005.00

Extension of time fee due with this request: \$_____

If an additional extension of time is required, please consider this a Petition therefor.

Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

7. Fee Payment

The total fee due is: Completion Fees \$490.00
 Assignment Fees \$
 Total Fee Due \$490.00

The Commissioner is hereby authorized to charge the total fee due to Deposit Account 50-0310.

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

8. Additional papers enclosed.
 Assignment & PTO 1595 Cover Sheet
 Preliminary Amendment
 PCT/IB/338 English translation of the International preliminary Examination Report
 Information Disclosure Statement
 Form PTO-1449, 21 documents listed and 20 documents provided
 International Search Report
 Declaration of Biological Deposit
 Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



Paul N. Kokulis, Reg. No. 16,773

Date: April 6, 2007

Customer No. 09629

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: 1500 Pennsylvania Avenue NW
 PO Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/583,151	Frederick William Cain	059490-5033
INTERNATIONAL APPLICATION NO.		
PCT/GB04/05453		
I.A. FILING DATE		PRIORITY DATE
12/17/2004		12/19/2003
CONFIRMATION NO. 5097		
371 FORMALITIES LETTER		
 *OC000000022963611*		
Date Mailed: 03/20/2007		
9629 MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004 <u>Jocketed 3/22/07 Attorney PNK</u> <u>Case 59490-5033</u> <u>Due Date May 20, 2007</u> <u>Action MISSING Requirement</u> <u>PSF Chk CGM</u>		

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/16/2006
- Copy of the International Search Report filed on 06/16/2006
- Information Disclosure Statements filed on 06/16/2006
- U.S. Basic National Fees filed on 06/16/2006
- Priority Documents filed on 06/16/2006
- Specification filed on 06/16/2006
- Claims filed on 06/16/2006
- Abstracts filed on 06/16/2006
- Drawings filed on 06/16/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$360 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the RECEIVED missing items identified in this letter.

MAR 22 2007

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$490** for a Large Entity:

- **\$130** Surcharge.
- Total additional claim fee(s) for this application is **\$ 360**
- **\$360** for multiple dependent claim surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

FREDERICK SMITH

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PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/583,151	PCT/GB04/05453	059490-5033

FORM PCT/DO/EO/905 (371 Formalities Notice)